

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DAVID MORRIS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	FILE NO. _____
BOASSO AMERICA CORPORATION,)	
)	
Defendant.)	

COMPLAINT

COMES NOW, DAVID MORRIS, Plaintiff in the above-styled matter and files this Complaint for damages against Boasso America Corporation showing the Court as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff is a citizen and resident of Dekalb County, Georgia.
2. Defendant Boasso America Corporation is registered with the United States Department of Transportation as a domestic for-profit corporation and motor carrier existing under the laws of the State of Louisiana, with its principal place of business, as of the date of filing this Complaint, located at 100 Intermodal Drive, Chalmette, LA 70043. Defendant Boasso America Corporation is a Louisiana corporation registered to do business within the State of Georgia and may be

served with process through its registered agent, Corporation Service Company, 2 Sun Court, Suite 400, Peachtree Corners, GA 30092. Defendant Bosso America Corporation is a proper party to this action and venue is proper as to it in this Court.

3. This cause of action is based upon the injuries and damages sustained by the Plaintiff as a result of Defendant's driver, Ronald Brown's, negligent operation of the company's tractor-trailer.

4. Venue and jurisdiction are proper in this Court because the Plaintiff and Defendant have diverse citizenship and the incident occurred in DeKalb County, Georgia.

5. Plaintiff seeks damages in excess of \$75,000.00.

6. Jurisdiction is based on 28 U.S.C. § 1332 (diversity of citizenship and damages in excess of \$75,000.00).

BACKGROUND AND FACTS

7. On or about October 23, 2020 Ronald Brown was driving Defendant Bosso America Corporation's tractor-trailer traveling southbound on Moreland Avenue passing Cedar Grove Road in Dekalb County, Atlanta, Georgia. At the same time, Plaintiff was traveling southbound on Moreland Avenue passing Cedar Grove Road in Atlanta, Dekalb County, Georgia in Lane 2.

8. Without notice Robert Brown entered Defendant's tractor-trailer into Plaintiff's lane of travel and attempted a wide right turn, failing to maintain the lane his tractor-trailer was traveling in and crashed the tractor-trailer he was driving into the right side of Plaintiff's vehicle.

8. Bosso America Corporation's driver, Ronald Brown, was cited for violation of Georgia law when Ronald Brown failed to maintain his lane of travel and crashed into Plaintiff's vehicle.

9. Defendant Bosso America Corporation's driver, Ronald Brown's inattentiveness, distracted driving, failure to maintain lane of travel, and/or otherwise negligent and/or reckless driving caused this this collision.

10. Defendant's tractor-trailer struck Plaintiff's vehicle as a result of violating Georgia law and O.C.G.A. § 40-6-120.

11. Officer Jimmy King of the Dekalb County Police Department found Ronald Brown liable for causing the wreck.

12. Defendant's driver, Ronald Brown was cited for violation of Georgia Law and O.C.G.A § 40-6-120, failure to maintain lane of travel.

13. At the time of this wreck, Ronald Brown was operating the tractor-trailer truck for, and within the course and scope of his employment, Defendant Bosso America Corporation.

14. Plaintiff did not contribute to the wreck that forms the basis of this complaint.

COUNT ONE - NEGLIGENCE OF DEFENDANT BOSSO AMERICA CORPORATION

15. Plaintiff re-alleges and incorporate by reference all allegations contained in paragraphs through 14 as if fully alleged herein.

16. Defendant Bosso America Corporation's employee, Ronald Brown had a duty to drive his tractor-trailer safely and to maintain his proper lane of travel to avoid Plaintiff's vehicle.

17. Defendant's driver Ronald Brown was negligent and/or reckless in the operation of the tractor-trailer truck in, among ways: failure to maintain lane of travel, distracted driving and/or otherwise negligent and/or reckless driving breaching the Georgia traffic safety rules when he crashed the tractor-trailer he was operating into Plaintiff's vehicle.

18. As a direct result of Ronald Brown's negligence, Plaintiff suffered bodily injury and other general damages for which a recovery is authorized under Georgia law.

19. Defendant's negligence and/or recklessness is the proximate cause of the collision and proximate cause of the injuries to Plaintiff.

COUNT TWO - IMPUTED LIABILITY AS TO
DEFENDANT BOASSO AMERICA CORPORATION

20. Plaintiff re-alleges and incorporates by reference all allegations contained in paragraphs 1 through 19 as if fully alleged herein.

21. Defendant Boasso America Corporation's employee Ronald Brown was under dispatch for, and/or driving within the course and scope of his employment with Boasso America Corporation on the day of the crash that forms the basis of this action.

22. At the time of the wreck, Ronald Brown was operating his truck on behalf of Boasso America Corporation.

23. As a direct and proximate cause of Defendant's driver, Ronald Brown's negligence, Plaintiff suffered bodily injury and other general damages for which recovery is authorized under Georgia Law.

24. At the time of the subject collision, Ronald Brown was under dispatch for, and/or operating his truck within the course and scope of his employment with Defendant Boasso America Corporation and breached his duty to drive in compliance with the Federal Motor Carrier Safety Regulations and the CDL Manual when he caused the tractor-trailer he was operating to collide with Plaintiff's vehicle.

25. "But for" Ronald Brown's negligence, Plaintiff suffered bodily injury and other general damages for which a recovery is authorized under Georgia law.

**COUNT THREE - NEGLIGENCE, TRAINING AND SUPERVISION
BY DEFENDANT BOASSO AMERICA CORPORATION**

26. Plaintiff re-alleges and incorporate by reference all allegations contained in paragraphs 1 through 25 as if fully alleged herein.

27. Defendant Boasso America Corporation was negligent in hiring Ronald Brown and entrusting him to drive a commercial vehicle.

28. Defendant Boasso America Corporation was negligent in failing to properly train Ronald Brown.

29. Defendant Boasso America Corporation's negligence in hiring Ronald Brown, entrusting him to drive a commercial vehicle, and failing to train and supervise him properly were the proximate cause at issue and the injuries Plaintiff suffers and continues to suffer from.

30. The Plaintiff suffered injuries and damages that Federal law was designed to prevent.

COUNT FOUR - DAMAGES

31. Plaintiff re-alleges and incorporate by reference all allegations contained in paragraphs 1 through 30 as if fully alleged herein.

32. Plaintiff David Morris suffered personal injury, pain and suffering, psychological stress and accumulated a total of \$22,327.60: Comprehensive Spine and Pain \$1,589.00; Pinnacle Healthcare \$10,425.00; S. Fulton ER Physicians \$645.00; Quantum Radiology \$114.00; Wellstar Atlanta Medical Center \$2,919.60

and Relief and Rehab Centers of Atlanta \$6,635.00 “but for” Defendant violating the Georgia driving safety rules.

33. Defendant’s driving was the cause-in-fact of the wreck.

34. Plaintiff is a member of the class of citizens that O.C.G.A § 40-6-120 was designed to protect.

35. Plaintiff suffered injuries that O.C.G.A § 40-6-120 was designed to prevent.

36. Defendant’s driver failed to abide by the provisions of O.C.G.A § 40-6-120 which the proximate and but for cause of Plaintiff’s injuries described in this complaint.

WHEREFORE, Plaintiff prays as follows:

- (a) Requiring Defendant to answer this complaint;
- (b) That Plaintiff have a trial by a fair and impartial jury of twelve members;
- (c) That Plaintiff obtain a judgment for damages against the defendant in a sufficient amount in excess of \$75,000.00 to compensate Plaintiff for his injuries, suffering and damages;
- (d) And that Plaintiff have such other and further relief as this Court shall deem just and equitable.

[Signatures Continued on Following Page]

This 19th day of October, 2022.

BROWN BARNWELL, P.C.

/s/ C. Napoleon Barnwell

C. Napoleon Barnwell

Georgia Bar No. 728188

Attorney for Plaintiff

463 Johnny Mercer Blvd., B-7

Suite 106

Savannah, GA 31410

T: (843) 422-2057

F: (470) 397-5103

napoleon@brownbarnwell.com